IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

COCP No. 264 of 2007
Date of Decision: 23.4.2007

Mahant Chander Dass ...Petitioner

Versus

Promila Isher and another ....Respondents

Coram: Hon'ble Mr. Justice Hemant Gupta.

Present: Dr. Surya Parkash, Advocate, for the petitioner.

Shri Sidharth Sarup, AAG, Haryana.

HEMANT GUPTA, J.

Reply filed on behalf of the respondents in Court today, is permitted to be taken on record.

The petitioner has filed a civil writ petition for directing the respondents to make payment of compensation with regard to the land, which has been forcibly taken by the State of Haryana. It is the case of the petitioner that some land was acquired by the State Government but some part of the land owned by the petitioner has been utilised by the State Government without acquisition in respect of which no compensation has been paid.

In the written statement, the State has disputed the title of the petitioner on the aforesaid land and it was asserted that the land in question was gifted by the erstwhile management of the college to the State. It was found that the question as to whether the petitioner was owner of the land in question is a disputed question of fact and cannot be decided

in the writ proceedings by this Court. However, a direction was issued to the State to verify from the record as to whether the erstwhile management of the College was not owner and has thus, no right to make gift and if the petitioner was the owner in that case he shall be entitled to compensation.

The grievance of the petitioner is that the matter regarding compensation of the acquired land has attained finality with the decision of Regular First Appeal No. 2518 of 1987 on 12.11.2003 and therefore, non payment of the amount of compensation in terms of the said decision amounts to wilful disobedience of the orders of this Court.

Since, the writ Court has found that the question whether the petitioner was owner of the land in question is a disputed question of fact, therefore, the petitioner has a remedy to seek the decision of the said question from the competent Court of law. Any decision by the State in administrative capacity will not be binding on the petitioner and that the State has in fact no jurisdiction to decide disputed question of fact in administrative capacity. Thus, I do not find any ground to initiate the contempt proceedings against the respondents.

Hence, the present petition is dismissed.

23-04-2007 (HEMANT GUPTA)
ds JUDGE